REMARKS

In the Office Action dated October 23, 2001, the Examiner rejects claims 1-6 and 8 under 35 U.S.C. § 102(e) and rejects claim 7 under 35 U.S.C. § 103(a). With this Amendment, claims 3 and 8 have been changed, claims 9-20 have been added, and no claims have been cancelled. After entry of this Amendment, claims 1-20 are pending in the application. For the reasons set forth hereinafter, the Applicants' invention is not anticipated or rendered obvious by the cited references.

The Examiner's acknowledgment of the receipt of the Applicants' papers submitted under 35 U.S.C. § 119(a)-(d) is gratefully appreciated.

One change has been made in the specification to correct a minor typographical error.

The Examiner rejects claims 1-6 and 8 under 35 U.S.C. § 102(e) as being anticipated by Sakamaki et al. In claim 3, the word "conductive" has been replaced with "insulating." Claim 8 has been revised to remove a reference number from the body of the claim.

It is respectfully submitted that Sakamaki et al. is not prior art to the Applicants' invention. The Applicants' invention claims priority to a German application filed on February 21, 1998, which predates the earliest filing date of the Sakamaki et al. reference, which is March 18, 1998. Therefore, Sakamaki et al. is not prior art under 35 USC § 102(e). As Sakamaki et al. does not constitute prior art, reconsideration and allowance of claims 1-6 and 8 is respectfully requested.

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakamaki et al. in view of Kobman et al. As Sakamaki et al. does not constitute prior art as explained with reference to claims 1-6 and 8, the combination of Sakamaki et al. and Kobman et al. cannot render claim 7 obvious. The Examiner's reconsideration and allowance of claim 7 is respectfully requested.

With this Amendment, new claims 9-20 have been added. Claim 9 describes a device for measuring the angle of rotation for an electrical machine with a shaft, comprising a commutator including electrically conductive segments concentrically arranged around a basic body mounted on the shaft wherein the basic

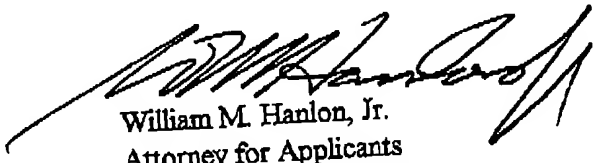
body includes at least one magnetized section and a sensor responding to a magnetic field generated upon rotation of the commutator. Claim 9 is similar to claim 1 but claims the invention in a different form. Claims 10-20 depend either directly or indirectly from claim 9. It is respectfully submitted that these claims are similarly patentable over the prior art of record.

It is respectfully submitted that this Amendment traverses and overcomes all of the Examiner's rejections to the application. It is further submitted that this Amendment has antecedent basis in the application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any subject matter to the application. Reconsideration of the application as amended is requested. It is respectfully submitted that this Amendment places the application in suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the Applicants' attorney at the telephone number listed below.

Respectfully submitted,

YOUNG, BASILE, HANLON, MacFARLANE, WOOD & HELMHOLDT, P.C.



William M. Hanlon, Jr.
Attorney for Applicants
Registration No. 28,422
(248) 649-3333

3001 West Big Beaver Rd., Suite 624
Troy, Michigan 48084-3107

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WMH/MLK/sld

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the specification:

Replace the paragraph from page 5, lines 14-21 with the following paragraph:

It is often desirable to determine the rotary status of the rotor or an angular value for the rotor of an electrical machine[,] derived therefrom without regard as to whether the machine is operated in generator or motor mode. To this end, it is known from DE-OS 41 03 561 that the shaft of a motor can be connected to magnets, with Hall elements provided in the stator associated with these magnets. In DE-OS 35 39 390, magnets are mounted on the shaft of a tachogenerator, the rotary status of which is scanned by an inductive sensor, while a commutator is axially offset on the shaft (see Figure 1.)

In the claims:

3. (Twice Amended) The device for measuring the angle of rotation according to claim 1, characterized in that the basic body is made of an electrically [conductive]insulating material permeable to a magnetic field.

8. (Twice Amended) The device for measuring the angle of rotation according to Claim 5, characterized in that the magnet of the basic body [(3)] is sintered.

Claims 9-20 have been added.